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11 China Fund (Cayman), Ltd.; Jayhawk
12 Investments, LP; Jayhawk Institutional Partners,
13 LP; Kent C. McCarthy

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PRIMARIUS CAPITAL, LLC;
PRIMARIUS CHINA FUND LP;
PRIMARIUS FOCUS LP;
PRIMARIUS PARTNERS LP; AND
PRIMARIUS OFFSHORE PARTNERS
LTD.,

Plaintiffs,

vs.

JAYHAWK CAPITAL
MANAGEMENT, LLC; JAYHAWK
CHINA FUND (CAYMAN), LTD.;
JAYHAWK INVESTMENTS, LP;
JAYHAWK INSTITUTIONAL
PARTNERS, LP; KENT C.
MCCARTHY,

Defendants.

CASE NO.: 4:07-cv-01804(CW)

**STIPULATION AND ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE AS MODIFIED**

FILE DATE: March 30, 2007
TRIAL DATE SET: No Date Set

Courtroom: 2, 4th Floor

RECITALS

WHEREAS Plaintiffs filed their complaint on March 30, 2007 and filed an
amended complaint on June 11, 2007;

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WHEREAS on September 27, 2007, Plaintiffs and Defendants agreed to submit their claims and counterclaims to binding arbitration with Judicial Arbitration and Mediation Services (“JAMS”), and requested that the Court stay this action pending the arbitration, and requested that the Court take all motions and pending dates off calendar.

WHEREAS the parties have completed the arbitration hearing, and are in the process of completing their post-arbitration briefing.

WHEREAS the parties have conferred and reached agreement that the Case Management Conference currently scheduled for September 29, 2009 should be continued for approximately 100 days to allow the parties to complete their post-arbitration briefing and obtain a final arbitration award which, most likely, will not occur until January 2010.

STIPULATION

Plaintiffs, through their counsel of record, and Defendants, through their counsel of record, hereby stipulate that the Case Management Conference should be continued to Tuesday, January 12, 2010, at 2:00 p.m.

Dated: September 25, 2009

FAGELBAUM & HELLER LLP

By: 151
Philip Heller

Attorneys for Plaintiffs

Primarius Capital, LLC; Primarius China Fund LP; Primarius Focus LP; Primarius Partners LP; and Primarius Offshore Partners Ltd.

1 Dated: September 25, 2009
2

NEWMEYER & DILLION LLP

3 By: 
4

Carol Sherman Zaist

5 Attorneys for Defendants

6 Jayhawk Capital Management, LLC;
7 Jayhawk China Fund (Cayman), Ltd.;
8 Jayhawk Investments, LP; Jayhawk
Institutional Partners, LP; Kent C.
McCarthy

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11 THE CASE MANAGEMENT CONFERENCE IS CONTINUED TO APRIL 6, 2010,
12 AT 2:00 P.M.



PROOF OF SERVICE

Primarius Capital LLC et al. and Jayhawk Capital Management, LLC et al.
USDC – Northern District Case No.: 4:07-CV-01804 (CW)

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, Maureen Gledhill, declare:

I am a citizen of the United States and employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 895 Dove Street, 5th Floor, Newport Beach, California 92660. On September 25, 2009, I served a copy of the within document(s):

STIPULATION AND ORDER CONTINUING CASE MANAGEMENT CONFERENCE

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
 - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Newport Beach, California addressed as set forth below.
 - by placing the document(s) listed above in a sealed OVERNITE EXPRESS envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a OVERNITE EXPRESS agent for delivery.
 - by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
 - by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

PLEASE SEE ATTACHED SERVICE LIST.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 25, 2009, at Newport Beach, California.

Maureen Gledhill
Maureen Gledhill

SERVICE LIST

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 2 USDC – Northern District Case No.: 4:07-CV-01804 (CW)

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 59 PRIMARIUS OFFSHORE PARTNERS
 60 LTD]**